

REMARKS

This Amendment is in response to the final Office Action dated December 11, 2003. Claims 29-34, 36-45, 47-53 and 56-60 are pending in this application. By this Amendment, Applicants have amended claims 29 and 56 to clarify Applicants' claimed invention. Claim 31 has been amended to add the word "of" in line 3. Favorable reconsideration of all of the pending claims is respectfully requested.

Applicants wish to thank the Examiner for indicating that claim 57 is allowed and that claims 36-45, 47-63 and 60 would be allowable if rewritten in independent form.

The Examiner has rejected claims 29, 30, 56, 58 and 59 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,019,777 to Mackenzie (the "Mackenzie patent"). Applicants have amended claim 29 to add the recitation that the method includes advancing a medical device through the expanded sheath after the sheath has been expanded against the vascular wall to trap the plaque at the intravascular site. It appears that the Mackenzie patent does not show this particular step. Accordingly, Applicants believe that claims 29, 30, 58, and 59 are patentably distinct from the Mackenzie patent. Applicants respectfully request the Examiner to withdraw the Mackenzie patent as an anticipatory reference as to these claims.

Applicants also have amended claim 56 to indicate that the deformable member is attached to the sheath. In the Mackenzie patent, the catheter 15, which the Examiner has interpreted as the deformable member, is not attached to the sheath but, rather, is maintained in sliding engagement within the sheath 28. Accordingly, the method of claim 56 is distinct from the method disclosed in the Mackenzie patent. Accordingly, Applicants respectfully request the Examiner to withdraw the Mackenzie patent as an anticipatory reference as to claim 56.

The Examiner has rejected claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Mackenzie in view of U.S. Patent No. 5,320,604 to Walker (the

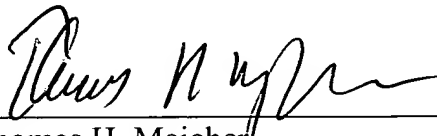
"Walker patent"). Claims 32-34 were rejected under 35 U.S.C. § 103(c) as being unpatentable over Mackenzie in view of U.S. Patent No. 5,643,278 to Wijay (the "Wijay patent"). In view of the amendments made to claims 29 and 56, discussed above, the basic steps defined in these independent method claims are not shown in the Mackenzie patent. Accordingly, the combination of the Mackenzie patent with either the Walker patent or the Wijay patent fails to disclose the methods defined by claims 31-34. Applicants respectfully request the Examiner to withdraw the obviousness rejection as to these pending claims.

In view of the foregoing, it is respectively urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at 310-824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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